

## **Title I. Scope of Rules; Form of Action**

### **F.R.Civ.P. 1. Scope and Purpose**

#### **LRCiv 1.1**

#### **COURT CALENDAR MANAGEMENT**

**(a) Non-Trial Additions/Deletions to Calendars By Counsel or Unrepresented Parties.** Any additions or deletions to the Court calendars other than for trials shall require two business days' notice unless otherwise directed or scheduled by the Court.

**(b) Notice of Conflict.** Upon learning of a scheduling conflict between different courts within the District of Arizona, or between the United States District Court and the Arizona State Courts, counsel has a duty to promptly notify the Judges involved in order that the conflict may be resolved. Such notice shall be in writing, with a copy provided to all counsel and conflicted courts.

**(c) Inter-Division Conflicts.** Conflicts in scheduling between divisions of this Court may be governed by local rule or general order.

**(d) Resolution of Conflicts.** Upon being advised of a scheduling conflict, the Judges involved shall, if necessary, confer personally or by telephone in an effort to resolve the conflict. While neither the United States District Court nor any Arizona Court has priority in scheduling, the following factors should be considered in resolving the conflict:

- (1) The nature of the cases as civil or criminal, and the presence of any speedy trial problems;
- (2) the length, urgency, or relative importance of the matters;
- (3) a case which involves out-of-town witnesses, parties or counsel;
- (4) the age of the cases;
- (5) the matter which was set first;
- (6) any priority granted by rule or statute;
- (7) any other pertinent factor.

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**LRCiv 7.2**  
**MOTIONS<sup>1</sup>**

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(i) **Briefs or Memoranda of Law; Effect of Non-Compliance.** If a motion does not conform in all substantial respects with the requirements of this Local Rule, or if the unrepresented party or counsel does not serve and file the required answering memoranda, or if the unrepresented party or counsel fails to appear at the time and place assigned for oral argument, such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily.

(j) **Discovery Motions.** No discovery motion will be considered or decided unless a statement of moving counsel is attached thereto certifying that after personal consultation and sincere efforts to do so, counsel have been unable to satisfactorily resolve the matter. Any discovery motion brought before the Court without prior personal consultation with the other party and a sincere effort to resolve the matter, may result in sanctions.

(k) **Motions to Compel.** With regard to motions to compel discovery brought pursuant to Rule 37(a)(3)(B) of the Federal Rules of Civil Procedure, see Rule 37.1, Local Rules of Civil Procedure.

(l) **Motions in Limine.** No opposed motion in limine will be considered or decided unless moving counsel certifies therein that the movant has in good faith conferred or attempted to confer with the opposing party or counsel in an effort to resolve disputed evidentiary issues that are the subject of the motion. The moving party is not permitted to file a reply in support of its motion in limine.

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<sup>1</sup> The time periods prescribed in the Local Rules are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.

**F.R.Civ.P. 51. Instructions to the Jury; Objections; Preserving a Claim of Error**  
**LRCiv 51.1**

**JURY INSTRUCTIONS**

(a) **Proposed Jury Instructions.** Proposed instructions for the jury shall be presented to the Court at the opening of the trial unless otherwise directed by the Court; but the Court, in its discretion, may at any time prior to the opening of the argument, receive additional requests for instructions on matters arising during the trial. The requested instructions shall be properly entitled in the cause, distinctly state by which party presented, and shall be prepared in accordance with Rule 7.1(b), Local Rules of Civil Procedure. They shall be numbered consecutively and contain no more than one (1) instruction per page. Each requested instruction shall be understandable, brief, impartial, free from argument, and shall embrace but one (1) subject, and the principle therein stated shall not be repeated in subsequent requests.

(b) **Failure to Conform.** A willful failure to conform to these requirements in the manner of proposing instructions will, in the discretion of the Court, be deemed sufficient ground for their refusal.

(c) **Citations of Authorities.** All instructions requested of the Court shall be accompanied by citations of authorities supporting the proposition of law stated in such instructions.

(d) **Copies Served on Other Parties.** At the time of presenting the instructions to the Court, a copy shall be served upon the other parties.

(e) **Objections.** Objections to an instruction for the jury, or a refusal to give as a part of such jury instructions requested in writing, shall be made out of the hearing of the jury and shall be noted by the Clerk in the minutes of the trial or by the reporter if one is in attendance.

**F.R.Civ.P. 72. Magistrate Judges: Pretrial Order**

**LRCiv 72.1**

**ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES**

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(c) **Habeas Corpus, Other Post Conviction Petitions, and Prisoner and certain other Civil Rights Complaints.** All petitions for writs of habeas corpus, applications for post-trial relief made by individuals convicted of criminal offenses, civil rights complaints by state or federal prisoners challenging conditions of their confinement, and all other civil actions to which a District Judge has been assigned shall also be referred by the Clerk of the Court to a Magistrate Judge according to Local Rules of Civil Procedure, Rule 3.7(e). The referred Magistrate Judge shall proceed in accordance with the Rules Governing Section 2254 Cases In The United States District Courts, or the Rules Governing Section 2255 Proceedings For The United States District Courts, as the case may be, and with 28 U.S.C. § 636 (b)(1)(A) and (B).

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## **LRCiv 83.2**

### **ATTORNEY DISCIPLINE**

(a) **Authority.** Any attorney admitted or otherwise authorized to practice before this Court may be disbarred, disciplined, or have the order of appointment revoked after such hearing as the Court may in each particular instance direct.

(b) **Report of Action in Any Other Jurisdiction.** Any attorney admitted or otherwise authorized to practice before this Court who is disbarred or subjected to other disciplinary action in any other jurisdiction shall promptly report the matter to this Court.

(c) **Discipline in Another Jurisdiction.** If an attorney admitted or otherwise authorized to practice before this Court has been suspended or disbarred from practice by any court of competent jurisdiction, the Court (by the Chief Judge, or designee) may enter an order directing the attorney to show cause as to why the attorney should not be suspended or disbarred from practice before this Court. Unless otherwise ordered by the Court, the attorney must respond in writing to the order within fourteen (14) days after the date on which a notice of the order is sent to the attorney. After considering any response, the attorney may submit and undertaking any other inquiry the Court deems appropriate, the Court will decide whether any further action should be taken. If the facts warrant such action, the Court may disbar the attorney from practice in this Court or impose other appropriate limitations or conditions on the attorney, including the suspension of the attorney for a fixed period of time. Notice of such action, and all other notices required under this Rule, will be sent to the attorney at the address shown in the Clerk's records.

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## **LRCrim 12.2**

### **EXCLUDABLE TIME AND MOTIONS - SPEEDY TRIAL ACT**

**(a) Content of Motions.** Any motion submitted for filing in a criminal case, other than in a petty offense case, must contain a statement as follows:

"Excludable delay under 18 U.S.C. § 3161(h)\_\_\_\_ will occur as a result of this motion or of an order based thereon." (In the blank space provided, the counsel will insert the specific subparagraph involved, e.g., (1)(A), competency examination of defendant; (3)(A), absence or unavailability of defendant or essential witness.)

**(b) Content of Orders.** Except in a petty offense case, any proposed or signed written order must contain the following final paragraph or statement:

"The Court finds excludable delay under 18 U.S.C. § 3161(h)\_\_\_\_ from \_\_\_\_ to \_\_\_\_."

**(c) Content of Minute Entries.** All minute orders relating to disposition of criminal motions ruled upon in open court, other than in a petty offense case, shall contain a statement comparable to that outlined in (b) above.

**(d) Waiver of Statement.** In any case, or in the case of a defendant proceeding pro per, the Court may, in the interest of justice, waive the necessity of a statement of excludable time.

**(e) Motions for Joinder of Motions.** Any motion for joinder must specifically identify the motions to be joined, and motions for joinder of motions to be filed in the future will not be considered.

## **F.R.Crim.P. 57. District Court Rules**

### **LRCrim 57.1**

#### **PRETRIAL SERVICES**

Pursuant to the Pretrial Services Act of 1982 (18 U.S.C. § § 3152-3155), the Court establishes an independent Pretrial Services Office for the District of Arizona.

Upon notification that a defendant has been arrested, pretrial service officers will conduct a prerelease interview as soon as practicable. The judicial officer setting bail or reviewing a bail determination shall receive and consider all reports submitted by pretrial service officers.

A copy of the pretrial service report and all supplemental reports prepared by the Pretrial Services Office shall be provided to and may be retained by the attorneys for the accused and the Government, and shall be used only for the purpose of fixing conditions of release, including bail determinations. When a copy is provided, it will have a header on the first page advising the attorneys that (a) the report is not to be copied, (b) the report is not a public record, and (c) that the content may not be disclosed to unauthorized individuals. Otherwise, the reports shall remain confidential, as provided in 18 U.S.C. § 3153, subject to the expectations provided therein.

Pretrial service officers shall supervise persons released on bail at the discretion of the judicial officer granting the release or modifications of the release.

## **LRCrim 57.2**

### **FREE PRESS - FAIR TRIAL DIRECTIVES**

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(f) **Duty of Court in Special Cases.** In a widely publicized or sensational criminal case, the Court on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such order. Such a special order might be addressed to some or all of the following subjects:

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(7) Specific provisions regarding the seating of spectators and representatives of news media, including:

(A) an order that no member of the public or news media representative be at any time permitted within the bar railing;

(B) the allocation of seats to news media representatives in cases where there is an excess of requests, taking into account any pooling arrangement that may have been agreed to among the news reporters.

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**LRCrim 57.4**

**HABEAS CORPUS, OTHER POST CONVICTION PETITIONS, AND  
PRISONER AND CERTAIN OTHER CIVIL RIGHTS COMPLAINTS**

With regard to habeas corpus, other post-conviction petitions, and prisoner and certain other civil rights complaints, see Rule 72.1(b), Local Rules of Civil Procedure.